

WESTERN DISTRICT OF LOUISIANA
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TONY R. MOORE, CLERK
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE, LOUISIANA

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

BRANDON SCOTT LAVERGNE
LA. DOC #424229

CIVIL ACTION NO. 6:13-2120

SECTION P

VERSUS

JUDGE HAIK

MIKE HARSON, ET AL

MAGISTRATE JUDGE HILL

JUDGMENT

For the reasons stated in the Report and Recommendation of the Magistrate Judge previously filed herein, and after an independent review of the record, determining that the findings are correct under the applicable law, and considering the objections to the Report and Recommendation in the record;

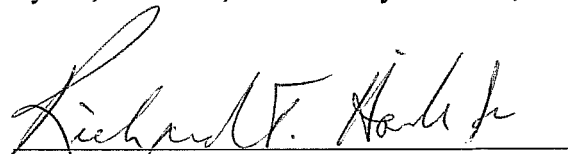
IT IS ORDERED that Lavergne's civil rights complaint be **DISMISSED WITH PREJUDICE** subject to reassertion if the requirement of *Heck v. Humphrey* are met.

Alternatively, **IT IS FURTHER ORDERED** that Lavergne's claims against District Attorney Mike Harson be **DISMISSED WITH PREJUDICE** pursuant to 28 U.S.C. §1915(e)(2)(B)(ii) for failure to state a claim upon which relief can be granted.

Alternatively, **IT IS FURTHER ORDERED** that Lavergne's claims against the Fifteenth Judicial District Attorney's Office be **DISMISSED WITH PREJUDICE** pursuant to 28 U.S.C. §1915(e)(2)(B)(ii) for failure to state a claim upon which relief can be granted.

IT IS FURTHER ORDERED that Lavergne's claims under Louisiana State law be **DISMISSED WITHOUT PREJUDICE**.

THUS DONE AND SIGNED, in chambers, Lafayette, Louisiana, on this 6th day of March, 2013.


RICHARD T. HAIK, SR.
UNITED STATES DISTRICT JUDGE